## REMARKS

The Office Action dated September 19, 2006, has been received and carefully considered, and, in view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested.


## Double Patenting Rejection

Claims 1 and 31-61 have been rejected for non-statutory obviousness-type double patenting over claims 1-31 of U.S. Patent No. 6,608,637. *See* Office Action at ¶ 2. To expedite the prosecution of the present patent application toward finality, this rejection is hereby respectfully traversed with the filing of a terminal disclaimer concurrently herewith. It should be noted, however, that the filing of a terminal disclaimer in the present patent application does not constitute an admission of the propriety of the obviousness-type double-patenting rejection. See MPEP § 804.02 and Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

In view of the foregoing, it is respectfully requested that the aforementioned double-patenting rejection of claims 1 and 31-61 be withdrawn.

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## Rejections Under 35 U.S.C. § 103(a)

On page 3 of the Office Action, claims 1 and 31-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayless *et al.* (U.S. Patent No. 5,754,636) in view of DeLorme et al. (U.S. Patent No. 6,321,158). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Patent Office can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of references. Id.. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). That is, under 35 U.S.C. § 103, teachings of references can be combined only if there is some suggestion or motivation to do so. Id.. However, the motivation cannot come from the applicant's invention itself. In re Oetiker, 977 F.2d 1443, 1447, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992). Rather, there must be some reason, suggestion, or

motivation found in the prior art whereby a person of ordinary

skill in the art would make the combination. <u>Id.</u>.

Regarding claims 1 and 37, the Examiner asserts that column

1, lines 38-67, of Bayless *et al.* discloses a

> telecommunications device for permitting a
> user to perform a <u>plurality of</u>
> <u>communication-related tasks concurrently</u>
> within the telecommunications device
> comprising: a user input device; a display
> having <u>a tools portion</u> and a windows
> portion; and a processing element, connected
> to the user input device and the display,
> and configured to communicate with a
> <u>wireless voice network</u> for <u>representing the</u>
> <u>communication-related tasks as objects in</u>
> <u>the tools portion</u>

See Office Action Page 4 (emphasis added).

However, the cited language of Bayless *et al.* does not disclose

at least performing a plurality of communication tasks

concurrently, the ability to communicate with a wireless voice

network and representing communication-related tasks as objects

in the tools portion.  In contrast, the portion of Bayless *et*

*al.* cited by the Examiner discloses:

> While prior art systems have provided some
> automated directory services, they have not
> provided the full range of database
> processing with the flexibility of a
> graphical user interface. Therefore, a need
> has arisen for a software telephone system
> that provides for database directory service
> and incoming call identification as well as
> presenting the user with a fully functional
> telephone system using a flexible graphical
> user interface.
> SUMMARY OF THE INVENTION

According to one embodiment of the present
invention, a telecommunications system is
provided that is constructed using a client
server architecture. Client processes reside
on personal computers available to each user
of the system. These personal computers are
connected to one another and to a server
computer through a local area network. The
server computer is connected to a private
branch exchange (PBX) which is, in turn,
connected to desktop telephone units
available to each user. An application
program compatible with a typical windowed
environment runs on each personal computer
to provide each user with a graphical user
interface through which each user may
receive and place calls and use other
telephone functions. In addition, each
client computer may access the server
computer, as necessary, to access the PBX or
to access database information stored in or
managed by the server computer. The server
computer itself may comprise another
personal computer or a larger computer
actually storing the information or the
server may act as a gateway to information
stored on other platforms.

Bayless *et al.* Col. 1, l. 38 - Col. 2, l. 67,

Clearly, the cited language does not disclose a

"telecommunications device for permitting a user to perform a

plurality of communication-related tasks concurrently" as

required by claim 1 or the similar limitations in claims 37, 43

and 46. Furthermore, the cited language does not disclose a

tools portion or a tools portion with communication-related

tasks represented as objects in the tools portion as required by

claims 1 and 37. The cited language also fails to disclose that

the Bayless *et al.* device is "configured to communicate with a

wireless voice network" as required by claim 1 or the similar

limitations in claim 37 and 46.

The Examiner additionally cites Figure 5 of Bayless *et al.*

to allegedly disclose the display having a tools portion and a

windows portion.  Figure 5 of Bayless *et al.* is described in the

specification as:

> FIG. 5 illustrates a window 106 used in
> design mode of the GUI object builder.
> Window 106 comprises a tool bar 108 which
> contains a plurality of objects 110.  In
> this embodiment, each object 110 may be
> represented by an icon.  When an application
> builder presses on an icon, the GUI object
> builder causes an object of that type to be
> created.

Bayless *et al.* Col. 11, lines 62-67

Thus, the tools cited by the Examiner are for building GUI's and

not communication related tasks.  The Examiner further cites

Col. 10, lines 6-54, of Bayless *et al.* to allegedly disclose

"providing the user with simultaneous access to the plurality of

communications-related tasks."  Office Action, page 4.

Applicant notes that the cited language is directed towards APIs

and client-server architecture that may be used to implement the

Bayless *et al.* computer telephone system.  There is absolutely

no disclosure in the cited language of disclose "providing the

user with simultaneous access to the plurality of

communications-related tasks" as required by claims 1, 37, 43 or

the similar limitation in claim 46.

Bayless *et al.* as cited by the Examiner fails to disclose at least the three limitations discussed above: performing a plurality of communication tasks concurrently, the ability to communicate with a wireless voice network and representing communication-related tasks as objects in the tools portion.

Bayless *et al.* also fails to disclose yet another limitation. The Examiner on Page 4 admits "Bayless fails to explicitly teach launching different ones of communication-related tasks based upon selection of corresponding ones of the communication-related task objects by the user via the user input device." See Office Action, page 4. The Examiner cites col. 4, lines 20-65, of Delorme *et al.* to allegedly cure this deficiency. The cited language of Delorme *et al.* discloses:

> It is an object of the present invention to provide a new integrated routing/mapping information system (IRMIS) capable of enabling the mating and cooperation between desktop and handheld devices, including the automatic updating of related databases whenever the desktop PC and handheld PDA link together. The PDA or handheld personal organizer may be optionally linked to a GPS receiver. It is also an object of the present invention to provide the means to take advantage of the strengths of the desktop or home-base application which provides wider geographical coverage and a fully implemented map/route/point-of-interest (poi) cartographic system, which desktop enables user selectivity or customization of map and route information--optionally tapping into online information. It is another object of the present

invention to create data-cutting
alternatives such that certain user
selections of geographic area, start,
finish, POIs, levels of detail or map
magnitudes may be effectively downloaded to
the PDA/GPS that produce compact map and/or
route information "packages" comprising
black-white bitmaps, text directions lists,
point information organized in differential
magnitude configurations which e.g. provide
more detail and particular kinds of
information around waypoints, less detail
and perhaps more major road driving
information along the routes between
waypoints. It is a further object of the
present invention to provide a means to
enable a PDA to display text directions and
maps (without GPS), serving similar
functions to map/itinerary travel plan
printouts and to facilitate in a PDA/GPS
combination a map display of user's current
position, and/or prompting and beeped
warnings relative to text directions, as
well as heading, distance, speed and other
real time GPS data. The present invention is
further designed to facilitate in a PDA/GPS
configuration location marking and
breadcrumb or GPS log functions which can be
displayed on the PDA and/or uploaded,
displayed, and otherwise processed back at
the home-base desktop. Yet a further object
of the present invention is the development
of a PDA/GPS application can include
programming whereby the GPS output controls
map/point/route information content and
levels of detail--as illustrated by
"automatic zoom" upon arrival at area mapped
at lesser/greater level of detail or, when a
GPS receiving system "senses" that the
vehicle has slowed down or stopped, map and
point information displays automatically
refocus or "look about" to see about
restaurants, lodgings or other area
attractions.

Delorme *et al.*, col. 4, lines 20-65.

Applicant notes that there is no disclosure in the cited language of "launching different ones of communication-related tasks based upon selection of corresponding ones of the communication-related task objects by the user via the user input device." Any alleged communication tasks are not based upon selection of corresponding ones of the communication-related task objects by the user.

Furthermore, Delorme *et al.* fails to remedy the previously discussed deficiencies of Bayless *et al.*.
Specifically, Delorme *et al.* does not cure the deficiencies of Bayless *et al.* by providing the limitations of: performing a plurality of communication tasks concurrently, the ability to communicate with a wireless voice network and representing communication-related tasks as objects in the tools portion.

As discussed above, Bayless *et al.* and DeLorme *et al.* either separately or in combination fail to disclose each and every limitation of independent claims 1, 37, 43 and 46. Claims 32-36, 38-42 44-45 and 47-61 depend from these claims and should be allowable by virtue of their dependency on the independent claims. The rejection of claims 1, and 31-61 under 35 U.S.C. § 103(a) should be withdrawn and the claims allowed accordingly.

## CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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